



WASHINGTON
COURTS

**Board for Judicial Administration
Court Recovery Task Force**

*Midterm Highlights
September 2021*

Introduction

In May 2020, the Board for Judicial Administration (BJA) created the Court Recovery Task Force to assess current court impacts from COVID-19; develop and implement strategies to ensure that every court can provide fair, timely, and accessible justice; and provide recommendations for ongoing court operations and recovery after the public health emergency subsides.

The [Task Force](#) began meeting in June 2020 and developed 12 committees to look at various aspects in the court system. These are: Technology Considerations, Facilities and Logistics, General Civil Litigation, Family Law, Child Welfare, Criminal Matters (Subcommittees: Juvenile Criminal Civil, Therapeutic, Adult), Appellate Courts, Lessons Learned, Public Outreach, and Communication. Committees developed work plans that identified activities and tasks to address, and gathered information from the broader justice community and court users on pandemic impacts. Some recommended policy changes and/or best practices information.

Approximately 100 court personnel and justice stakeholders participated in the Task Force and/or committees. A full committee roster can be found [here](#).

Highlights

BJA Court Recovery Summit

The Task Force co-sponsored the BJA Court Recovery Summit on August 25, 2020. Over 100 attendees from a variety of disciplines attended Jeffery Robinson's presentation, *Excerpts from "Who We Are: A Chronicle of Racism in America"* and then participated in several discussion groups that explored racism in the courts and court practices and impacts from the pandemic.

Task Force Committees and Activities

The Court Recovery Task Force has twelve committees. Each committee is listed [here](#) and includes a brief highlight of the committee's goal and activities. Committees that have achieved their goals and no longer meet include: Appellate, Public Outreach (AOC Communications continues to share Task Force information with the broader public), and Facilities and Logistics.

Appellate Court Committee

Goal: Reduce case backlog in superior courts by facilitating the transfer of certain appeals under the Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) from the superior court to the court of appeals.

Activities: [SB 5225](#) was passed concerning direct appeals to the court of appeals of cases brought under the administrative procedure act and the land use petition act.

Child Welfare Committee

Goal: Form recommendations to improve court practices in child welfare cases resulting in better outcomes for children, youth, and families that include considerations of race equity, trauma, access to justice, technology, and funding in light of the limitations courts have experienced due to the global pandemic.

Activities: Created Sample Pre-Trial Order for Remote/Virtual Dependency Fact Finding or Termination of Parental Rights, Sample Discovery Agreement, Sample Witness List which can

be found [here](#). Proposed changes to CR 43. Currently in the process of updating guidelines for hearing fact finding and termination of parental rights trials to include broad guidance informed by further lessons learned.

Criminal Matters Subcommittees

The Criminal Matters Committee has met several times as a large group. Several members are on each subcommittee to ensure information sharing and non-duplication of the work.

Juvenile Criminal/Civil

Goal: Identify and make recommendations on short-term operation changes needed to recover from the pandemic and opportunities for long-term juvenile criminal and civil system changes that include considerations of race, gender, equity, and access to justice, and practices that align with healthy youth development, technology, and funding needs to ensure better outcomes for youth.

Activities: Identified two statute changes, diversion extensions and fingerprinting in juvenile proceedings that are being brought forward during the 2022 Legislative session.

Therapeutic Courts

Goal: Address immediate impacts of COVID on therapeutic and problem-solving courts and court users, and identify what changes should continue past the pandemic.

Activities: Conducted a survey and provided a [summary](#) on therapeutic/problem solving courts' operational needs and service delivery in the changing environment. Distributed [materials](#) (talking points, article template, strategies document) to remind public defenders/private bar and prosecutors that therapeutic courts are open and available for hearings and services.

Adult Criminal

Goal: Address immediate impacts of COVID on courts and court users and identify what changes should continue past the pandemic.

Activities: Developed surveys to obtain feedback on COVID impacts from defendants and jurors, participated in various conversations around COVID impacts on adult criminal cases, and have been identifying remote contact/hearing challenges and successes.

Facilities and Logistics Committee

Goal: Assist the court community in their efforts to respond to the logistical and facility related challenges due to the COVID pandemic.

Activities: Developed and disseminated [two checklists](#) for court administrators to consult when preparing for jury trials and Continuity of Operations Plans (COOP) planning. Conducted a survey of courthouse security providers to gather information about challenges of providing courthouse security during the pandemic and the policies and practices that have been put in place to deal with them. Created a state-wide communication network of courthouse security professionals and court administrators to exchange information on addressing challenges and establishing best practices related to the pandemic and meeting the requirements of General Rule 36.

Family Law Committee

Goal: Research possible customer service improvements for family law litigants.

Activities: Explored the feasibility of automated text notifications to litigants, the barriers

some litigants may have using digital signatures, and the feasibility of Proposed General Rule 40 on Informal Family Law Trials.

General Civil Litigation Committee

Goal: Identify challenges in litigating civil cases including service of process, discovery, and pre-trial motions, as well as trial to get civil litigation moving, improving equal access to justice, and helping provide guidance/best practices.

Activities: Drafted language for use in court orders presuming the use of remote depositions and electronic service of process; explored ways to incentivize parties to agree to six-person jury trials and ways to reduce the number of preemptory challenges available to parties in civil litigation trials, which would further reduce space needed for social distancing; and electronic filing systems utilized in other states.

Lessons Learned Committee

Goal: Identify and recommend innovations and best practices, and serve as a clearinghouse to assist in coordinating surveys to ensure committees do not duplicate efforts and overload court community respondents.

Activities: Conducted a comprehensive [survey](#) of court administrators to collect baseline data on changes in court operations and ongoing needs, and implemented an unrepresented litigant survey in four languages. The committee is collecting lessons learned from pandemic impacts and changing court operations and stakeholder feedback about possible court rule changes.

Public Outreach Committee

Goal: Coordinate communication efforts around courts and COVID impacts and resources, share the work of the Task Force, and develop communication materials as needed.

Activities: Expanded and utilized the [Virtual Court Directory](#). Also executed a communications plan for the eviction for non-payment of rent project to educate the public on how to access the seven pilot project sites in Washington.

Technology Committee

Goal: Establish guidelines for courts to use and reference in order to evaluate and implement court technology.

Activities: Developed a [detailed list of objectives and guidelines](#) for courts to use in adopting and implementing the use of technology in court proceedings based on [Access to Justice](#) and [NCSC Guiding Principles](#) and are exploring [court website information](#) that would be helpful to increase access to and consistency of information on court websites.

Ongoing Activities and Next Steps

Committees are continuing their work on identified goals including:

- 1) Court Rules Project: analyzing and evaluating input to update court rules and emergency orders to reflect pandemic-related changes to court operations and practices.
- 2) Legislative advocacy during 2022 on identified statute changes.
- 3) Collecting and compiling lessons learned from the various committees and the Task Force as a whole.
- 4) Development of best practices and future court operational considerations as needed.